

CITY COUNCIL MINUTES

June 14, 2010

REGULAR SESSION

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, June 14, 2010 at 6:00 p.m. with Mayor Powers presiding and City Clerk Joseph G.R. Labrie recording the minutes.

CALL TO ORDER

ROLL CALL:

Council Members Present: J. M. Holmes, Kevin Hanley, Bill Kirby, Keith Nesbitt, Bridget Powers

Council Members Absent: None

Staff Members Present: City Manager Robert Richardson, City Attorney Michael Colantuono, Community Development Director Will Wong, Fire Chief Mark D'Ambrogi, Public Works Director Bernie Schroeder, Transit Analyst Megan Siren, Police Chief Valerie Harris, Police Captain John Ruffcorn and Code Enforcement Officer Jennifer Solomon.

By **MOTION** adjourn to a Closed Session under Government Code Section 54957.6

MOTION: Nesbitt/ Holmes/ Unanimously Approved by Voice

Conference with Labor Negotiators
G.C. 54957.6

Agency Designated Representatives: Robert Richardson, David Mackowiak

Employee Group: All Bargaining Units

REPORT OUT OF CLOSED SESSION – no reportable action

PLEDGE OF ALLEGIANCE

**MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/
ANNOUNCEMENTS**

Commendation presented to California Conservation Corps. / Placer Center

Commendation presented to Bushwackers, Inc.

Proclamation presented for "United States Army Week"

Proclamation presented for "Think Auburn First Week"

Board of Supervisor Jim Holmes presented a proclamation for "Think Auburn First Week"

AGENDA APPROVAL

The agenda was approved as presented by consensus of the Council.

CONSENT CALENDAR

Council Member Holmes requested item #1 be pulled from the consent calendar.

1. **Request for Services of the Placer County Clerk for General Municipal Elections**

Removed. Item followed consent calendar.

2. **Weed Abatement – Declare Public Nuisance**

By **RESOLUTION 10-52** declare Public Nuisance of certain properties within the City of Auburn identified as containing weeds, rubbish, and or debris.

3. **Pay for Performance Employment Agreement – Bernadine Schroeder**

BY **RESOLUTION 10-53** adopt the attached employment agreement appointing Bernadine Schroeder as Public Works Director.

4. **Surplus Equipment**

By **RESOLUTION 10-54** declare as surplus to the City's needs the equipment listed on Exhibit A and direct staff to contract with an auctioneer to assist the City in disposal of equipment or properly dispose of items.

5. **Be A Hero Program – Promote Organ Donor Registration**

By **RESOLUTION 10-55** allow the public safety vehicles for the City of Auburn to display a sticker that supports organ donors.

6. **Funding Agreement with PCTPA for the Auburn Ravine Bus Shelter Project**

By **RESOLUTION 10-56** authorize the City Manager to execute the funding agreement with Placer County Transportation Planning Agency for the Auburn Ravine Bus Shelter Project.

7. **Acceptance of a donation for training and enforcement equipment purchases**

By **RESOLUTION 10-57** authorize the City Manager or his designee to accept a donation of \$5,000.00 made by Mr. Rey for the employees of the Auburn Police Department

8. **Public Notification Signs – 2010 Review (Admin File 301.3(q))**

By **MOTION** postpone for one year the City Council's consideration of policy to require public notification signs.

9. **Assignment and Assumption of Auburn Airport Fuel System Operator Agreement to Threshold Technologies, Inc.**

By **RESOLUTION 10-58** authorize the City Manager or his designee to approve the assignment and assumption of the Auburn Airport Fuel System Operator Agreement between the City of Auburn, Gold Country Aviation and Threshold Technologies, Inc.

10. **CalPERS Contract Amendment Ordinance – 1959 Survivor Death Benefit Program**

By **URGENCY ORDINANCE 10-04** approve an amendment to the contract between the City of Auburn and CalPERS, providing Section 21754 (Fourth Level of Survivor) Death Benefits for local fire members. Additional to introduce a **NON-URGENCY ORDINANCE 10-05** approving the same amendment to repeal the urgency ordinance when effective.

***** End of Consent Calendar *****

By **MOTION**, approve the consent calendar, items #2 - #10.

MOTION: Nesbitt/Kirby/ Approved 5:0

1a. **Formerly #1 on Consent: Request for Services of the Placer County Clerk for General Municipal Elections**

Council Member Holmes asked for erroneous references to "special election" in the resolution be removed.

By **RESOLUTION 10-51** as amended, approve the request of the City Clerk of the City of Auburn to utilize the services of the Placer County Clerk for the General Municipal Election of November 2, 2010.

MOTION: Holmes/Nesbitt/ Approved 5:0

11. **Public Comment**

Council Member Nesbitt congratulated the Boys and Girls Club of Auburn for a successful "Chilling and Grilling" fundraiser recently held.

Council Member Holmes said there is a dedication ceremony on June 22, 2010 at 10 a.m., honoring Sgt. Duplantier who was killed in Iraq in 2005.

Council Member Holmes thanked the Auburn Chamber of Commerce for their recent ADA (Americans with Disabilities Act) workshop.

Council Member Holmes commended the Protect American River Canyon Park organization for their Confluence Festival held last weekend.

Council Member Holmes said on June 24, 2010, the local chapter of the Japanese American Citizens will be showing a documentary at the State Theater to help raise funds for a memorial statue to be placed at the Justice Center in Roseville.

Council Member Kirby also congratulated the Boys and Girls Club. He also credited the BBQ group who do many fundraising events in Auburn.

PUBLIC HEARING

12. **2009 Weed Abatement Program, Assess Tax Roles**

Fire Chief Mark D'Ambrogi presented this item to the Council.

Council Member Holmes confirmed that the abatement costs are for this year only.

- i. By **MOTION** conduct a Public Hearing to allow for objections from any property owner liable to be assessed for weed abatement costs during 2009.
- ii. By **RESOLUTION 10-59 & 10-62** approve the 2009 cost report of the weed abatement program and direct the City Clerk to file a certified copy of the report with the Placer County Auditor-Controller in order to collect cost assessments.

MOTION: Hanley/Holmes/Approved 5:0

13. **Public Hearing to consider Levying of Assessments for Fiscal Year 2010-11 in connection with the Old Town Business Improvement District and the Downtown Auburn Business Improvement District**

City Manager Bob Richardson presented this item to the Council.

- i. By **MOTION** conduct a Public Hearing
- ii. By **RESOLUTION, 10-60** adopt the 2010-11 Levy of Assessments in connection with the Old Town Auburn Business Improvement District and the Downtown Auburn Business Improvement District.

MOTION: Nesbitt/Holmes/ Approved 5:0

14. **Rule 20B – Underground Utility District 2010A**

Public Works Director Bernie Schroeder presented this item to the Council

Council Member Holmes asked about the Rule 20A expended funds. He also asked about reimbursement options.

- i. By **MOTION** hold a Public Hearing regarding the formation of the Underground Utility District 2010A.
- ii. By **RESOLUTION 10-61** designate the City of Auburn Underground Utility District 2010A along Lincoln Way as shown on Exhibit A.

MOTION: Nesbitt/Hanley/ Approved 5:0

15. **Second Reading of an Ordinance Amending Chapter 97 of the Auburn Municipal Code Relating to Animals, including Specific Provisions for the Spay, Neuter and Breeding of Pit Bull Dogs.**

Community Development Director Will Wong presented the item to the Council. He presented the amendments to the ordinance as requested at the previous Council Meeting. He reviewed the staff recommendations and alternative recommendations to Council:

- A. Hold a Second Reading, by title only, of an Ordinance Amending Chapter 97 of the Auburn Municipal Code Relating to Animals, Including Specific Provisions for the Spay, Neuter and Breeding of Pit Bull Dogs; and,
- B. Adopt a Resolution establishing city policy to request, during sentencing of individuals convicted of violent crimes or drugs, that the District Attorney's Office seek conditions of probation and/or parole prohibiting those persons from owning dogs over 20 pounds in size.

Alternative Recommendation

- A1. Amend the Ordinance and Introduce and hold a first reading, by title only, of the Animal Regulations Ordinance deleting breed specific spay, neuter and breeding requirements for pit bull dogs; or,
- A2. Amend the Ordinance and Introduce and hold a first reading, by title only, of the Animal Regulations Ordinance requiring, with certain exception, all dogs to be spayed or neutered.

Council Member questions followed regarding: (1) penalties and fine schedules, (2) unlicensed dogs, (3) "dangerous" dog definitions, (4) breed specific regulations impact on staff, (5) limit of dogs in households, (6) outreach to educate dog owners on new regulations, and (7) Cities currently enforcing spay/neuter of all dogs.

Public Comment:

Dawn Capp, of Chako Pit Bull Rescue, spoke against breed-specific legislation.

Jackie Marshall, resident in Sacramento, spoke against breed-specific legislation.

Lynn Howe, resident in Loomis, presented "Safety First", a community based educational program for dog owners.

Cynthia Long, resident in Placerville, said she supports the "Safety First" program.

Lorelei Craig, resident in Penn Valley, spoke against breed-specific legislation.

Vicki Meyer, resident in Auburn, spoke against ordinance amendments. She stressed that a full-time, trained animal control officer is the solution.

Matt Green, of SPCA in Roseville, spoke against breed-specific legislation.

Rosemary Freeborn, resident in Newcastle, informed the Council which Cities are currently enforcing mandatory spay/neuter of all dogs.

Council Member comments followed: (1) emphasis on public safety, (2) low cost clinics for spay and neuter of specific breeds, (3) speakers from outside City limits, (4) accomplishing increased compliance of licensing dogs, (5) current outdated ordinance, (6) "Safety First" proposal, (7) Mayor's outreach to her Auburn neighbors & animal rights activists, and (8) Breeders' permits.

Council Member Holmes moved to (1) delete any reference to "Pit Bulls" in the ordinance and substitute the term "dog", (2) insert an exception for assisting peace officers in their law enforcement duties, (3) delete the definition of "Pit Bull", (4) Add "injury, or other cause unfit to be a pet or dangerous to people/animals" to section addressing destroying of the animal, (5) change age of licensing required at 4 months of age and (6) staff make annual report to City Council regarding dog issues.

Council member conversation followed regarding the proposed motion.

Police Chief Valerie Harris explained that item # 2 regarding the police dog is already covered in the Penal Code and internal policy.

Council Member Holmes amended his motion to exclude the reference to police dogs.

Council Member Kirby seconded the motion for purposes of discussion, stating he does not agree with the mandatory spay and neuter requirement.

MOTION: Holmes/ Kirby/ Failed 1:4 (Hanley, Kirby, Nesbitt, and Powers voted "no")

Council Member Nesbitt moved to approve alternate recommendation A-2.

Council Member conversation followed regarding legislation requiring spay and neuter of all dogs.

Mayor Powers said she supports option A2, with the option of reviewing the results a year from now to ensure it is effective.

Council Member Hanley made a substitute motion of staff proposal 1a. deleting breed-specific spay and neuter requirements and directing staff to work to implement the Safety First program.

MOTION: Hanley/ Kirby/ Approved 3/2 (Nesbitt and Powers voted no)

The Council recessed for 5 minutes.

REPORTS

16. City Council Committee Reports

Council Member Holmes reported the Arts Commission is looking into the idea of temporary art for Central Square.

Council Member Holmes reported that, at a recent meeting of the Placer County Air Pollution Control District, the District reviewed its preliminary budget including grant money.

Council Member Hanley reported on Project Canyon Safe and future plans for fuel management projects in the Canyon.

Council Member Nesbitt reported that the Placer County Transportation Planning Agency approved funding agreement on the Auburn Ravine bus shelters. He also asked that language be included about "quiet crossings" with the future plans with railroads in Auburn.

Council Member Nesbitt reported that SHAAC should have final drafts for interpretative signs by the next City Council meeting. He said they are also working on the names for the tiles in Central Square.

Council Member Kirby reported on Auburn Movie Night.

Placer County Economics Development Board meets on June 17th and will discuss a work plan to better market our region.

COUNCIL BUSINESS

17. Committee/Commission Work Plans and Funding Requests

City Manager Robert Richardson presented this item to the Council. He reviewed the work plans of the following committee/commissions:

- (1) Economic Development Commission.
- (2) Arts Commission

(3) Auburn Community Television/ Digital

Harvey Roper representing the Endurance Capital Committee presented the work plan for the upcoming year.

Council Member Holmes asked if the Endurance Committee has been contacted about the planned 100-mile bike ride.

Council Member Kirby asked what funds the City uses for the Art Walk.

Sue Dings spoke on behalf on the Arts Commission and explained their funding needs.

Mayor Powers asked about the money allocated for the mural on the side of the Dancing Dog building.

By MOTION, approval of the funding levels as proposed.

MOTION: Nesbitt/ Holmes/ Approved 5:0

18. **Central Square Art Funding**

City Manager Robert Richardson presented this item to the Council. He said funding options could be any of the following: public funding, general fund, redevelopment budget, fundraising, and matching funds.

Council Member Nesbitt asked what would be the annual cost of temporary art.

Council Member Hanley asked if it's the artist's responsibility to provide insurance.

Randy Mealhow, resident of Auburn and member of Arts Commission, expressed her concerns and asked for direction for the Arts Commission to move forward.

Sue Dings, Arts Commission, said she would like to put out a call for artist for both permanent and temporary art. She said quality of art is important.

Mayor Powers asked Randy and Sue as part of the Arts Commission to spend more time with Roseville on their temporary art project, specifically, what it took to start up the program.

Kurt Smith, resident of Auburn, spoke in favor of funding permanent art.

Council Member comments followed regarding: (1) more art pieces in future phases for Central Square, (2) AUDA funds for Arts Commission to create a rotating art program for the 3 pedestals in Central Square, (3) Nisenan-themed art piece, (4) temporary art should act as stepping stone, (5) City not having funds, must fundraise or match, (6) call to artist details, (7) costs associated with installing and removing temporary art, and (8) call for artist unsuccessful without a stated budget.

By **MOTION** direct the Arts Commission to work on a permanent piece donated from the Nisenan tribe and allocating \$4,000 from the general fund for the two remaining pieces for the rotating art program.

MOTION: Hanley/ Kirby/ Approved 5:0

19. **National Register of Historic Places, Nomination of City Buildings**

Director of Community Development Wong presented this item to the Council as outlined in his staff report.

Council Member Holmes wanted to refresh the list of building proposed: Old Town Fire House, the Auburn Grammar School, El Dorado St. Firehouse, Old City Hall, and the Carnegie Library.

Council Member questions followed (1) private buildings originally proposed, (2) renovations on property deemed historic, (3) funds used for these properties, (4) timing of renovations on Fire Houses project, and (5) extra requirements when buildings are on the register.

Council Member Holmes said renovations done with private money on these buildings would not require permission from the State Historic Preservation Office (SHPO).

John Williamson, resident of Auburn and foreman of the Hook and Ladder Association, expressed concerns about being on the registry. He said they are doing renovations as quickly as possible, but are low on funds. He said he would support being on the register in the future when the renovations are completed.

Harvey Roper, businessman in Auburn, spoke in favor of the register, with the exception of the "Old City Hall" building.

Bob Snyder, resident in Auburn, spoke in opposition of the registry. He feels more research should be done before moving forward.

Carmel Barry-Schweyer, resident of Auburn, spoke in more detail about the register and buildings involved.

City Attorney Michael Colantuono covered the legal aspects of listing the buildings on the registry or not.

Council Member Holmes said that listing these building on the registry will be great advertising and promotes the City, he doesn't agree with it being a burden on the City in any way.

Council Member Nesbitt said these buildings should not be listed on a registry until all work is completed on them.

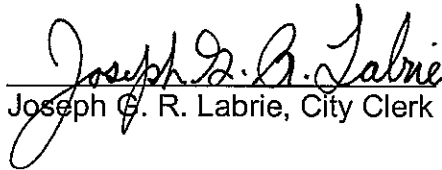
By **MOTION** do not support the nomination of city-owned buildings for listing on the National Register of Historic Places at this time. Staff will send a letter of notification to the California State Office of Historical Preservation stating the City is declining to support the listing at this time.

MOTION: Hanley/ Nesbitt/ Approved 4:1 (Holmes voted no)

Mayor Powers **adjourned** the meeting without objection at 10:36 p.m.



Bridget Powers, Mayor



Joseph G. R. Labrie, City Clerk